IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6724 OF 2005

M/s.Yash Marketing and Trading Co. ...Petitioner.
Vs.
The State of Maharashtra & Anr. ...Respondents.
....
Mr. V. J. Hegde for the Petitioner.
Mr. Y. D. Mulani, AGP for Respondent No.1.
Mr. G.S. Hegde for Respondent No.2.
.....

CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

January 12, 2006.

P.C.

Rule. Heard forthwith.

The Petitioner, on Respondent No.2 inviting bids, had applied and was allotted the land for Truck Terminus on BOT basis. It is the case of the Petitioner that outside the land allotted to him, Respondent No.2 has constructed shops, as also compound wall. According to the Petitioner, the shopkeepers have demolished parts of the wall. It is the further contention that the compound wall constructed by Respondent No.2 and was pre-existing. As it was demolished by some of the shopkeepers, when the Petitioner sought to reconstruct, they were forcibly restrained.

Though they have filed complaints with the Police authorities, no action is taken till date. It is also stated that the shopkeepers have filed a suit wherein they have sought injunction. The earlier ad-interim order granted was vacated and an appeal is pending being C. M. A. No.153 of 2005 before the District Court wherein an order of status quo has been directed. The grievance of the Petitioner is that on account of such action, they have been unable to carry on business and have approached this Court seeking directions against Respondent No.1 and more so to grant police protection and also to take cognizance of the complaint filed by the Petitioner.

Considering the controversy, the petition can be decided by issuing the following directions :

-(i) The District Court, Thane is directed to dispose of C. M.A. No.153 of 2005 within one month of the order of this Court being filed before the District Court.

-(ii) In the event the injunction is vacated, Respondent No.1 through the Police of the concerned area, to grant Police protection to the Petitioner for re-erecting the wall.

-(iii) If the Petitioner has filed any complaint or files complaint, the concerned Police Station is required to take action including by registering FIR if there a case.

Rule made absolute accordingly. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)